

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CLAUDIA E. POLANCO,

Plaintiff,

vs.

**HSBC BANK USA NATIONAL
ASSOCIATION *et al.*,**

Defendants.

Case No.: 3:17-cv-00466-GCM

**DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Defendants HSBC Bank USA, N.A. ("HSBC") and PHH Mortgage Corporation ("PHH") (collectively, "Defendants") move for partial summary judgment as to Plaintiff Claudia E. Polanco's ("Plaintiff") claims seeking damages for emotional distress, as well as her individual causes of action for fraud, negligent misrepresentation, negligent servicing, negligent infliction of emotional distress, North Carolina Mortgage Debt Collection and Servicing Act, Real Estate Settlement Procedures Act, North Carolina Unfair Trade Practices Act, and North Carolina Debt Collection Act.

As more fully set forth in the accompanying Memorandum of Law and supporting exhibits, there is no genuine issue of material fact as to one or more elements of the foregoing claims, and Defendants are entitled to summary judgment as to each claim.

WHEREFORE, Defendants respectfully requests that the Court grant summary judgment in their favor as to each of Plaintiff's claims seeking damages for emotional distress, as well as Plaintiff's individual causes of action for fraud, negligent misrepresentation, negligent servicing, negligent infliction of emotional distress, North Carolina Mortgage Debt Collection and Servicing Act, Real Estate Settlement Procedures Act, North Carolina Unfair Trade Practices

Act, and North Carolina Debt Collection Act, and for such other and further relief as the Court deems proper.

Respectfully submitted, this the 6th day of September, 2019.

/s/ G. Benjamin Milam
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of September, 2019, I have mailed the foregoing to the following parties by filing a copy with the Court's electronic filing system and by depositing a copy thereof in the United States Mail in Charlotte, North Carolina, postage pre-paid and addressed as follows:

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Attorneys for Plaintiffs

/s/ G. Benjamin Milam
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